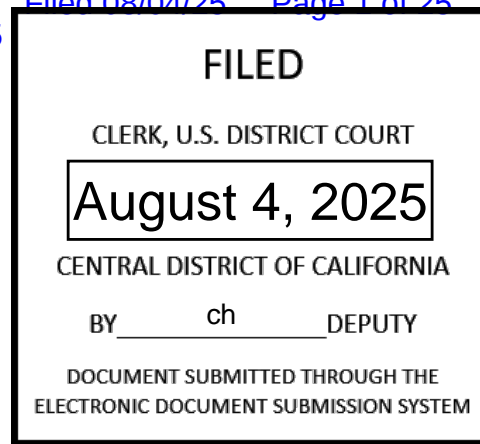


1 Todd R. G. Hill
2 119 Vine Street
3 Belton, TX 76513
4 +1 [661] 899-8899
5 toddryangregoryhill@gmail.com
6 *In Propria Persona*



7
8 **UNITED STATES DISTRICT COURT FOR**
9 **THE CENTRAL DISTRICT OF CALIFORNIA**
10
11 **WESTERN DIVISION**

12 **TODD R. G. HILL, et al,**

13
14 **Plaintiffs**

15 **vs.**

16
17 **THE BOARD OF DIRECTORS,**
18 **OFFICERS AND AGENTS AND**
19 **INDIVIDUALS OF THE PEOPLES**
20 **COLLEGE OF LAW, et al.,**

21 **Defendants.**

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

PLAINTIFF'S NOTICE OF PRESERVATION
REGARDING PROCEDURAL
IRREGULARITIES AND PREDETERMINED
ADMINISTRATIVE NARRATIVE

NO ORAL ARGUMENT REQUESTED

22
23
24
25
26
27
28

PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE

CASE 2:23-CV-01298-JLS-BFM

TABLE OF CONTENTS

I.	PROCEDURAL AVOIDANCE AND THE NARRATIVE OF ‘FINALITY’	5
A.	Pattern of procedural disruption and docket irregularities	5
B.	The court did not treat spiro’s answer to the first amended complaint at docket 41 as preclusive of any of his subsequent 12(b) defenses	8
C.	Out-of-sequence entries and delayed acknowledgment of objections	8
II.	INCOMPLETE, VAGUE OR OTHERWISE AMBIGUOUS RULINGS AND ORDERS....	10
III.	THE ASYMMETRICAL STANDARDS AND THE MOVING GOALPOST: RULE 8 COMPLIANCE AND PROCEDURAL PRETEXT	10
III.	PROCEDURAL BACKGROUND AND CONSTRUCTIVE DENIAL	12
IV.	APPARENT STRUCTURAL PREJUDICE AND DIMINISHED NEUTRALITY	13
V.	VIOLATION OF APPEARANCE OF FAIRNESS DOCTRINE (CANON 2, CODE OF CONDUCT FOR U.S. JUDGES)	14
VI.	SYSTEMIC PATTERN OF CONSTRUCTIVE DENIAL AND SELECTIVE RESPONSE	16
VII.	STRUCTURAL IMPACT ON JUDICIAL ECONOMY AND RISK TO APPELLATE INTEGRITY	17
VIII.	RE-ENGAGEMENT OF DISMISSED DEFENDANTS WITHOUT JUDICIAL GATEKEEPING	18
IX.	PROCEDURAL INVERSION AND ADVERSARIAL DISTORTION.....	19
X.	PLAINTIFF’S APPELLATE RIGHTS ARE BEING FRUSTRATED BY DELAY	21
XI.	PURPOSE OF THIS PRESERVATION NOTICE	21
XII.	REQUEST FOR ADMINISTRATIVE ACKNOWLEDGMENT.....	22
XIII.	CONCLUSION	23
	STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1	24
	PLAINTIFF'S PROOF OF SERVICE.....	24
	 Cases	
	<i>Caperton v. A.T. Massey Coal Co.</i> , 556 U.S. 868 (2009)	21
	<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976).....	14
	 Statutes	
	28 U.S.C. § 1291	21
	28 U.S.C. § 1292(b)	21
	28 U.S.C. § 455(a)	13, 22
	 Rules	
	Canon 2 of the Code of Conduct for United States Judges.....	15
	Fed. R. Civ. P. 15(a)(2).....	6, 14

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1	Fed. R. Civ. P. 54(b)	14
2	Fed. R. Civ. P. 60(b)	22
3	Federal Rule of Civil Procedure 60(b)(3)	19
4	Federal Rule of Evidence 201	12
5	Rule 1	9, 13
6	Rule 12(b)(6)	4, 8
7	Rule 59(e)	13
8	Rule 60(b)	13
9	Rule 8	4

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL
IRREGULARITIES AND PREDETERMINED ADMINISTRATIVE NARRATIVE**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

The Plaintiff submits this Notice to preserve critical irregularities in the record that reflect a consistent pattern of procedural asymmetry, selective adjudication, and docket management practices that appear to advance a predetermined administrative outcome rather than neutral, merits-based resolution. This filing is not made lightly. It arises from a documented series of delays, omissions, and inconsistencies that have increasingly displaced the adversarial process in favor of an approach that privileges narrative cohesion over legal sufficiency.

The procedural record now reflects numerous anomalies, including but not limited to, out-of-sequence docketing, delayed rulings on timely submissions, unacknowledged filings, and contradictory applications of Rule 8 and Rule 12(b)(6), each of which independently raises questions of fairness. Taken together, these anomalies suggest a systemic effort to avoid the implications of Plaintiff's evidence, particularly regarding institutional misconduct and regulatory failure. The result is a litigation framework in which Plaintiff is held to a fluctuating and heightened standard, while well-documented procedural evasion by Defendants is excused or disregarded without explanation.

This Notice is therefore submitted to preserve these irregularities for further review and to alert the Court that Plaintiff has consistently acted in good faith to engage the judicial process on its merits, even as those merits are persistently deferred. To the extent the Court intends to finalize a course of action grounded in the current trajectory, Plaintiff respectfully insists that the record fully reflect the unresolved procedural disparities that have shaped this case. The Court has broad discretion, but it does not have discretion to shield material irregularities from the appellate record.

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 That record will show not just how this case was ruled, but how it was managed. To that end, and in
2 the interest of judicial economy, this Notice reiterates certain arguments previously presented in
3 earlier filings while contemporaneously updating the record for efficient and accurate review.
4

5 **I. PROCEDURAL AVOIDANCE AND THE NARRATIVE OF ‘FINALITY’**

6 The procedural record, when viewed in total, reveals that the Court has not merely erred in
7 isolated rulings but has facially adopted a trajectory that systematically avoids adjudicating the merits
8 of Plaintiff’s claims. Critical judicial notice requests remain substantively unresolved (e.g., Dockets
9 199, 305, 326, and 329), even as dispositive recommendations are issued. The Court’s failure to
10 acknowledge the May 31, 2024 regulatory revocation of the Peoples College of Law in Docket 348,
11 despite its inclusion in both materials docketed for judicial notice, earlier mention in judicial
12 recommendations, and the Fourth and Fifth Amended Complaints, underscores a troubling pattern:
13 where substantiated misconduct or institutional oversight would compel merits review, the Court
14 instead withholds engagement.
15

16 Any assertion that Plaintiff has been afforded “ample opportunity” thus functions less as a
17 legal conclusion and more as a post hoc narrative justification for foreclosing review. At this stage,
18 given the issues discussed above and below, the Court appears more concerned with curating a
19 defensible record for dismissal than with providing impartial adjudication. This pattern, particularly
20 the suppression of filings that would obviate or cure claimed Rule 9(b) deficiencies or clarify
21 jurisdiction, raises structural due process concerns and amplifies the likelihood of appellate
22 intervention.
23
24
25
26

27 **A. PATTERN OF PROCEDURAL DISRUPTION AND DOCKET** 28 **IRREGULARITIES**

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 A careful review of the docket reflects a recurring breakdown in the regular and timely
2 administration of filings and rulings. This disruption is not isolated but persistent, with clear indicia
3 of out-of-sequence docketing, unexplained delays, and ambiguous orders that complicate both party
4 compliance and appellate review.
5

6 Here, Plaintiff argues that the Court's sequencing and treatment of submissions have
7 demonstrated a procedural incongruity that undercuts the fairness and transparency of adjudication.
8

9 For instance:

- 10 i. **Docket 264**, Plaintiff's supplemental notice concerning bad faith in the meet-and-confer
11 process, was not docketed until **April 11, 2025**, even though the underlying motion (Docket
12 261) was docketed two days earlier, on **April 9, 2025**. The **in-chambers denial** of that
13 motion (Docket 265) issued just four days later, on **April 15**, failed to acknowledge the
14 supplemental filing altogether.
15
16 ii. **Docket 310**, Plaintiff's motion to supplement the record with judicial admissions (e.g., from
17 Defendant Spiro's own filings), was filed on **June 5, 2025**. The record reveals no order or
18 minute entry acknowledging or ruling upon this motion through **July 17, 2025**, despite its
19 direct relevance to the pending RICO claim.
20
21 iii. The Court issued **no explanation** for the delayed ruling on Plaintiff's Rule 15 motion (See
22 Dockets 310 and 330), which requested leave to file the Fifth Amended Complaint (5AC).
23 This delay allowed the R&R in Docket 348 to base its futility conclusion solely on the Fourth
24 Amended Complaint (4AC), even though Plaintiff had corrected alleged deficiencies and
25 submitted the 5AC in clean and redline versions. Under Fed. R. Civ. P. 15(a)(2), courts are
26 required to "freely give leave when justice so requires." When a plaintiff seeks leave to
27
28

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 amend while a motion to dismiss is pending, **the default practice is to evaluate the**
2 **proposed amended complaint**, not the prior version.
3

4 This pattern makes clear that rulings were made **while key filings remained pending**, a practice
5 that undermines the integrity of both the adversarial process and the appellate record.
6

7 For more recent example, Docket 305, titled “SURREPLY filed by Plaintiff Todd R. G. Hill
8 to Defendant Spiro's Reply in support of Request for Judicial Notice 282 .,” was submitted on **June**
9 **5, 2025**, yet as of **July 17, 2025**, **no ruling has been issued**, nor has the Court acknowledged the
10 impact of this document on the issues subsequently ruled upon in Docket 348. This is material.
11 Docket 305 contains specific responses to defense procedural objections, incorporates the procedural
12 history of the Fourth Amended Complaint (4AC), and attaches key excerpts that rebut the R&R’s
13 claim that amendment would be futile. Its procedural and substantive impact remains unaddressed
14 despite over 40 days passing since submission. As discussed and demonstrated below, this is not a
15 lone instance or outlier in regard to Plaintiff’s filings, but one example in what now constitutes an
16 objectively cognizable traceable pattern.
17
18

19 A clear revelatory example is Docket 290, titled “NOTICE OF CLARIFICATION AND
20 SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DOCKET 272 filed by
21 Plaintiff Todd R. G. Hill”, was filed April 22, 2025 but **not docketed until** May 6, 2025, **a full 14**
22 **days later**.
23
24

25 Notably, although Docket 290 was timely filed, Docket 277, “ORDER DENYING
26 RECONSIDERATION 253 by Judge Josephine L. Staton” (where the court DENIES the Motion for
27 Reconsideration at ECF 253) was entered April 25, 2025, on what facially appears to be an
28 incomplete record given the untimely docketing of Docket 290.

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 **B. THE COURT DID NOT TREAT SPIRO’S ANSWER TO THE FIRST AMENDED**
2 **COMPLAINT AT DOCKET 41 AS PRECLUSIVE ANY OF HIS SUBSEQUENT**
3 **12(B) DEFENSES**

4 **1. Violation of Procedural Finality (Waiver of Rule 12(b) Defenses)**

5 Under Federal Rule of Civil Procedure 12(b) and 12(g)-(h), a party must raise certain Rule 12
6 defenses (e.g., failure to state a claim, lack of jurisdiction, etc.) before or concurrently with their first
7 responsive pleading, usually an Answer or motion to dismiss.

8 If a defendant answers without filing a Rule 12 motion, they typically waive the right to raise
9 those defenses in a later motion to dismiss.

10 Here, Spiro filed Docket 41 (Answer to the First Amended Complaint). Subsequent Rule 12(b)(6)
11 motions have both asserted new defenses that could have or should not have been raised earlier, and
12 are thus alleged here as procedurally improper and waived unless the complaint was substantially
13 altered in a way that creates new legal issues.

14 **2. Creates Prejudice Against Plaintiff**

15 Plaintiff, a pro se litigant, is required to respond repeatedly to motions that would ordinarily
16 be barred by waiver. Each of Spiro’s new defenses, raised long after his initial Answer, imposes
17 additional time and resource burdens. This contributes to a broader pattern of **procedural imbalance**,
18 especially when Plaintiff’s own motions (e.g., for leave to amend or judicial notice) are met with
19 **delayed rulings** or heightened standards.

20 **3.**

21 **C. OUT-OF-SEQUENCE ENTRIES AND DELAYED ACKNOWLEDGMENT OF**
22 **OBJECTIONS**

23 Docket 351, Plaintiff’s formal Objections and Request for De Novo Review of the
24 Magistrate’s Report and Recommendations (Docket 348), was submitted on July 23, 2025, at 11:51

25 **PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND**
26 **PREDETERMINED ADMINISTRATIVE NARRATIVE**

27 CASE 2:23-CV-01298-JLS-BFM

1 AM and docketed within 28 hours on July 24, 2025, at 3:02 PM. By contrast, multiple filings made
2 after November 2024 through early-to-mid June 2025, including supplemental motions and judicial
3 notice requests, were not processed or acknowledged until weeks later, in some cases only after
4 Plaintiff filed procedural reminders or notices of constructive denial.
5

6 This inconsistency underscores that the Court is capable of rapid docketing when it chooses,
7 but has selectively delayed or ignored critical filings, particularly those that would have been
8 dispositive to the framing of Docket 348.
9

10 Plaintiff acknowledges the deference given to, and presumptive appropriateness of, licensed
11 counsel in filing and docketing. Plaintiff must also acknowledge the Court's inherent authority to
12 manage the docket in context to its obligations under Rule 1 and the variability of workload.
13

14 But here, the sequential treatment of filings is inconsistent and has apparently undermined the
15 integrity of the Court's adjudicative process.
16

17 Despite Plaintiff's objections raising substantial and procedurally dispositive issues, including
18 failure to address the May 31, 2024, closure of PCL and the futility of the RICO ruling premised
19 solely on the 4AC, the Court has neither scheduled a briefing deadline for opposition responses nor
20 issued a minute order acknowledging the Objections as taken under review.
21

22 This procedural limbo presents a risk that the Objections will be functionally bypassed or
23 preempted by an early ruling on the Magistrate's recommendation, without adjudicating the precise
24 matters raised by Plaintiff's de novo review request. Such timing would compound the perception
25 that Plaintiff's filings are being selectively deprioritized to reinforce preordained outcomes.
26

27 The irregular docket chronology, where lesser filings are processed quickly while substantive
28 oppositions and evidentiary notices are left idle, undercuts judicial transparency and may jeopardize
the integrity of subsequent appellate review.

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 **II. INCOMPLETE, VAGUE OR OTHERWISE AMBIGUOUS RULINGS AND**
2 **ORDERS**

3 Here, Docket 348 serves as an apex exemplary of the issues. The Magistrate Judge Mircheff's
4 R&R fails to account for judicial notice requests that are either previously filed, requested for
5 clarifications and pending (e.g., Dockets 326, 329, and 340), and omits mention properly pled or
6 judicially noticed facts.
7

8 Further, it continues a pattern of obeisance to Defendant conduct and procedural irregularities
9 similar to those raised in Docket 350. The R&R recommends dismissal of the Plaintiff's RICO claim
10 with prejudice on Rule 9(b) and futility grounds, while it fails to mention or consider evidence
11 presented in both the 4AC and 5AC, including Plaintiff's multiple judicial notice filings referencing
12 the May 31, 2024, revocation of PCL's status by the State Bar of California.
13

14 Notably, the R&R finds Rule 8 compliance (consistent with its findings for the earlier Third
15 Amended Complaint) but simultaneously argues futility of amendment without reconciling these
16 positions. This suggests a fundamental inconsistency in the analytical standard being applied.
17

18 **III. THE ASYMMETRICAL STANDARDS AND THE MOVING GOALPOST:**
19 **RULE 8 COMPLIANCE AND PROCEDURAL PRETEXT**

20 The Plaintiff has been subjected to a materially higher pleading burden than the law requires,
21 and this burden has shifted in a manner that undermines the integrity of Rule 8 review. This
22 asymmetry is most clearly demonstrated in the Court's handling of the Third Amended Complaint
23 ("TAC"). In its report and recommendations on that pleading, the Magistrate Judge expressly
24 concluded that the TAC satisfied Rule 8 and articulated a sufficiently "coherent theory of the case" to
25 survive facial scrutiny. The District Judge affirmed that recommendation, thereby validating that the
26 TAC met the notice-pleading requirements of Rule 8.
27
28

1 Yet, in the same breath, the R&R and the Article III Order adopted a contradictory position,
2 dismissing all claims against the State Bar Defendants, as well as four entire causes of action, while
3 simultaneously granting Plaintiff “leave to amend” the entire complaint. This maneuver imposed a
4 paradox: the complaint was “clear enough” to proceed under Rule 8, yet substantively insufficient to
5 survive Rule 12(b)(6) without precise, additional factual refinement that the Court never specified.
6 The contradiction was masked by procedural ambiguity, but the effect was unmistakable: **Plaintiff**
7 **was expected to cure unspecified defects in claims that had already been deemed facially**
8 **compliant.**

11 An example specific to the Court’s treatment of the defendants is here presented as it relates
12 to Defendant Spiro, who submitted an answer to an earlier complaint (See Docket 41), but has been
13 allowed to effectively oscillate between defensive Answer posture and offensive motion-to-dismiss
14 tactics, which Plaintiff assert is further evidence of Court created procedural asymmetry.

16 Todd is held to Rule 8 and Rule 9(b)(and other) standards with exacting scrutiny, yet Spiro,
17 who has already answered, is permitted to bypass normal constraints.

19 **This could be interpreted as a selective relaxation of procedural rules, especially if**
20 **Spiro’s motions are based on previously available factual or legal arguments.**

22 The resulting standard is not merely inconsistent; it is structurally unjust. If a pro se Plaintiff
23 satisfies Rule 8, then the proper remedy under Rule 12(b)(6) is targeted dismissal of defective claims,
24 not wholesale dismissal followed by a demand for full-scale re-pleading. Instead, Plaintiff was forced
25 into a Catch-22: preserve the surviving federal and state claims by amending the entire complaint
26 (even those portions already found viable), while also anticipating heightened scrutiny under Rule
27 9(b) and the Court’s evolving view of jurisdiction. This transformed what should have been a routine
28

1 opportunity to clarify claims into an unreasonably high-stakes exercise, with moving standards and
2 vague expectations.
3

4 The asymmetry deepens when contrasted with the deference afforded to Defendants. Despite
5 the procedural evasions and inconsistent factual assertions offered by counsel, including material
6 misrepresentations related to the school's operational status and selective use of judicially noticeable
7 records, no similar burden has been imposed. Motions to dismiss premised on transparent avoidance
8 have been entertained; discovery obstruction has been excused; and repeated misconduct has been
9 deemed non-sanctionable despite documentary evidence and Local Rule violations. The pattern is
10 unmistakable.
11

12
13 Plaintiff has done what the law demands and more, amending in good faith, tailoring claims,
14 curing deficiencies, and pursuing resolution through appropriate channels. Yet each time, the bar
15 moves. What emerges is not simply a difficult litigation environment but a structurally uneven one,
16 where the Court's findings are selectively applied and the Plaintiff is expected to meet standards that
17 Defendants are allowed to ignore.
18

19 This dynamic, subtle, procedural, and cloaked in the formalities of leave to amend, represents
20 a dangerous erosion of the adversarial balance. It invites the appearance of partiality and renders
21 meaningful adjudication contingent on burdens that no similarly situated litigant could reasonably
22 meet.
23

24 **III. PROCEDURAL BACKGROUND AND CONSTRUCTIVE DENIAL**

25 Between October 2024 and July 2025, Plaintiff filed multiple motions under Federal Rule of
26 Evidence 201 seeking judicial notice of adjudicative facts central to claims previously dismissed with
27 prejudice. These filings include, but are not limited to, Dkts. 197, 199 (filed in 2024), and 241, 276,
28

1 279, 280, 298, 301, 326, and 329 (filed in 2025). As of this filing, either these motions have been
2 vaguely granted, expressly denied, or inappropriately unacknowledged.
3

4 Notably, Plaintiff submitted a proposed corrected Fifth Amended Complaint (Docket 317,
5 May 23, 2025), a court requested redline (Docket 318, May 23, 2025) and a formal request for Leave
6 to Amend the complaint (Docket 330) on June 13, 2025. Instead of the court's review of this Fifth
7 Amended Complaint, it issued its R&R recommending dismissal with prejudice of the RICO claim
8 without substantive review of this document.
9

10 The pattern, as Plaintiff has earlier argued and noticed, now constitutes a constructive denial
11 of record-corrective requests and fair adjudication, directly impairing Plaintiff's rights under Rule 1,
12 Rule 59(e) and Rule 60(b). Procedural parity and adjudicative legitimacy are no longer tenable unless
13 the record is corrected or clarified because this asymmetrical pattern, in form if not intent, constitutes
14 constructive denial, violating both equal access principles and the perception of impartial
15 adjudication required under 28 U.S.C. § 455(a).
16
17
18

19 **IV. APPARENT STRUCTURAL PREJUDICE AND DIMINISHED NEUTRALITY**

20 The Court has allowed dispositive motions by Defendants to proceed to ruling, while
21 dispositive motions filed by Plaintiff, including Dkt. 197, Dkt. 199, and Dkt. 286, remain
22 unaddressed or are accompanied by procedural vagueness. This selectivity is not merely inefficient; it
23 has operated as a one-sided filter on the case's progression. The Court's refusal to timely or clearly
24 rule creates de facto denials insulated from review, thereby nullifying Plaintiff's right to be heard.
25

26 For example, the dispositive order issued by the Court (Dkt. 312) did not address Plaintiff's
27 ripe and pending FRE 201 submissions. Those filings contain judicial admissions, public records,
28 agency disclosures, and CPRA responses, factual material that bears directly on dispositive claims. In

1 this case, at least one specific filing was “withheld” from the record and was not docketed until after
2 repeated notices to the Court were filed by Plaintiff.
3

4 The Court’s silence on these motions, paired with its active issuance of rulings, suggests the
5 appearance of selective omission. That silence, if continued, risks impairing the perception of
6 neutrality. No rule authorizes a court to decline resolution of properly presented and ripe FRE 201
7 motions, particularly when their content speaks to material adjudicative facts.
8

9 Plaintiff submitted a Third Notice of Constructive Denial in light of the pending Rule 15(a)(2)
10 motion and the potential for review under Rule 54(b), respectfully requesting clarification as to
11 whether the Court intended to rule on the above-referenced FRE 201 motions, and whether any of
12 them were deemed denied by implication or omission.
13

14 The plaintiff respectfully notes that while the Court cited portions of these submissions, such
15 as governance admissions, CPRA-produced correspondence, and procedural irregularities, no formal,
16 clarifying, ruling granting or denying judicial notice of those materials has been entered. In light of
17 the pending Fed. R. Civ. P. 15(a)(2) motion and the potential for review under Fed. R. Civ. P. 54(b),
18 Plaintiff respectfully requests clarification as to whether the Court intends to issue specific dispositive
19 rulings on the above-referenced FRE 201 motions, and whether any of them are deemed denied by
20 implication or omission.
21
22

23 **V. VIOLATION OF APPEARANCE OF FAIRNESS DOCTRINE (CANON 2,**
24 **CODE OF CONDUCT FOR U.S. JUDGES)**

25 Even absent a finding of actual bias, the appearance of bias, compounded by repeated
26 omissions, requires redress. A reasonable observer reviewing this docket, the selective timing of
27 entries, the approach to dispositive rulings and the unresolved record would question whether
28 Plaintiff’s filings are receiving equivalent weight. That perception alone offends the constitutional

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 guarantee of due process under *Mathews v. Eldridge*, 424 U.S. 319 (1976), and credibly invokes
2 reference to Local Rule 83-3 and related procedural standards protective functions.
3

4 While direct evidence of actual bias is elusive in this context due to the structured design and
5 dynamic of the proceedings, the appearance of bias, when compounded by repeated, strategically
6 timed omissions, becomes objectively irrefutable upon reasonable review. This is not merely a matter
7 of administrative oversight; it strikes at the very core of judicial integrity and constitutional due
8 process.
9

10 A reasonable observer, with no prior knowledge of this case but equipped with the capacity
11 for objective critical analysis, would, upon reviewing this docket, inevitably raise fundamental
12 questions. The selective timing of entries, particularly the multi-day delay in docketing a document
13 that explicitly *complains* about docketing delays, creates an undeniable perception. This perception is
14 that Plaintiff's filings are not receiving equivalent weight or impartial consideration. Such a
15 conclusion, even if based solely on outward appearances, is sufficient to erode public confidence in
16 the judicial process.
17
18

19 This scenario directly offends the appearance-of-fairness principle embedded in Canon 2 of
20 the Code of Conduct for United States Judges and the constitutional guarantee of due process as
21 articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976). While *Mathews* primarily concerns the
22 procedural safeguards required before deprivation of a property interest, its foundational principle is
23 the imperative for fairness in administrative processes. The appearance of selective processing, where
24 a party's vital motions remain unaddressed while others are acted upon, suggests a process that is not
25 "fundamentally fair". The absence of timely rulings on "critical filings, including requests for judicial
26 notice and motions with dispositive bearing", particularly when those motions are deemed
27 "procedurally ripe", implies a deprivation of the opportunity for a timely and equitable hearing.
28

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 The *Mathews* framework compels us to consider the risk of erroneous deprivation and the
2 value of additional safeguards. Here, the "risk of erroneous deprivation" is the denial of justice by
3 omission, and the "value of additional safeguards" is the immediate, transparent resolution of all
4 pending motions.
5

6 Furthermore, the pervasive appearance of procedural bias, directly manifest in the Court's
7 own docket, demands immediate and forceful redress to uphold the fundamental guarantees of due
8 process. This Court's actions and inactions have created a record that overtly suggests an uneven
9 playing field. The repeated, documented instances of "constructive denial" and "selective omission",
10 culminating in the delayed public docketing of critical filings like Plaintiff's "Third Notice of
11 Constructive Denial" (Dkt. 342) on July 3, 2025 , despite its earlier submission, serve as irrefutable
12 evidence. Such demonstrable procedural irregularities, particularly when left unaddressed, create an
13 unacceptable perception where the integrity of judicial administration is secondary to administrative
14 convenience or a perceived desire for case finality. This posture, which implicates the Court's
15 impartiality under 28 U.S.C. § 455(a), is one no Article III court can legitimately maintain. To ignore
16 these clear signals would be to tacitly endorse a system fundamentally at odds with the constitutional
17 demands of a fair hearing, where the appearance of justice is secondary to administrative
18 convenience, a position no Article III court can legitimately maintain.
19
20
21
22

23 VI. SYSTEMIC PATTERN OF CONSTRUCTIVE DENIAL AND SELECTIVE 24 RESPONSE

25 A review of the docket from its inception through May 30, 2025, reveals a pattern of selective
26 docketing behavior and prolonged silence on motions materially favorable to Plaintiff, particularly:

- 27 1. Docket 197 and 199 (FRE 201 Motions) filed on November 15, 2024, remained unrulued upon
28 for over 7 months, despite their relevance to judicial admissions and procedural misconduct.

PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND PREDETERMINED ADMINISTRATIVE NARRATIVE

CASE 2:23-CV-01298-JLS-BFM

1 The current ruling related to these filings allowed for inclusion “insofar” as it served to clarify
2 Plaintiff’s amended complaint, a standard so vague it fails to substantively inform.
3

4 2. Docket 286 (Rule 59(e) Motion) filed on May 1, 2025, which seeks reconsideration of orders
5 dismissing key claims and parties, also, as State Bar has argued in it’s Docket 341, remains
6 unresolved, while other motions filed afterwards have received expedited review and ruling.
7

8 3. Docket 264 (Supplemental Notice of Procedural Misconduct), submitted April 11, 2025,
9 documented procedural noncompliance by Spiro and Haight. This filing was functionally
10 ignored by the Court, despite subsequent filings (Dkt. 266–273) benefiting Defendants being
11 acknowledged and ruled upon.
12

13 This selective response alters the adversarial posture of the case. Plaintiff’s substantive motions,
14 particularly those that would reopen claims, introduce dispositive evidence, or undermine prior
15 dismissals are met with procedural silence, while less impactful filings are rapidly docketed and
16 resolved. This gives rise to a credible perception of strategic delay and institutional partiality.
17

18 Notably, Plaintiff asserts that the **failure to respond to good faith notices** that raise due process
19 violations and docket inconsistencies is itself a form of constructive denial. It renders Plaintiff’s
20 procedural objections inert while shielding procedural irregularities from scrutiny.
21

22 **VII. STRUCTURAL IMPACT ON JUDICIAL ECONOMY AND RISK TO** 23 **APPELLATE INTEGRITY**

24 Analysis of the docket shows a stark disparity in the Court’s treatment of filings by Plaintiff and
25 Defendants.
26

27 The aggregate impact of the above creates a procedural logjam that not only undermines
28 Plaintiff’s right to a fair and complete record, but also burdens the appellate court with a docket
replete with unruly motions, ignored factual corrections, and unacknowledged objections. Should

PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND PREDETERMINED ADMINISTRATIVE NARRATIVE

1 the district court adopt the R&R in full, it will not only compound these irregularities but potentially
2 expose its final judgment to reversal based on an incomplete and procedurally compromised record.
3

4 This stark disparity further supports the appearance of bias, as protected under 28 U.S.C. §
5 455(a) and Canon 2 of the Code of Conduct for U.S. Judges. The perception that one side's filings are
6 consistently deferred while the opposition's are honored undermines the perceived, requisite,
7 neutrality of the forum.
8

9 Allowing multiple 12(b)(6) motions after an Answer undermines the principle of finality in
10 pleadings, the requirement that parties consolidate defenses as well as the Court's own goal of
11 avoiding piecemeal litigation.
12

13 It also invites strategic delay, as defendants can:

- 14 1. First answer (to avoid default),
15 2. Then file serial 12(b)(6) motions to extend time and increase cost,
16 3. All while evading discovery.
17

18 **VIII. RE-ENGAGEMENT OF DISMISSED DEFENDANTS WITHOUT JUDICIAL** 19 **GATEKEEPING**

20 The State Bar Defendants, dismissed with prejudice in Dkt. 248, have re-engaged in
21 opposition without seeking leave to intervene or reassert standing (see Docket 340 and 341. By
22 accepting this participation without procedural scrutiny, the Court risks endorsing informal influence
23 by a party whose formal status is unresolved pending entry of judgment, in turn eroding adversarial
24 parity and undermining judicial neutrality.
25

26 Plaintiff objected in Docket 340, which remains unresolved. This conduct, and its acceptance
27 without procedural scrutiny, raises fundamental concerns regarding judicial neutrality and due
28 process, and implicates the Court's impartiality under 28 U.S.C. § 455(a). By permitting a party

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

1 whose formal status is unresolved pending entry of judgment to engage, the Court risks endorsing
2 informal influence and eroding adversarial parity.
3

4 The Court's silence on this objection, while accepting the State Bar's opposition without
5 comment, presents a posture that disrupts the neutrality of party alignment, creating a procedurally
6 irregular landscape in which:
7

- 8 a. Dismissed parties may selectively engage without scrutiny,
- 9 b. Plaintiff's objections to this re-engagement are ignored or not timely addressed, and
- 10 c. The adversarial balance is altered with no formal clarification by the Court.

11 Such conditions **violate fundamental due process** under the principles laid out in *Caperton*
12 *v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), particularly the obligation to avoid situations "where a
13 neutral and detached decisionmaker is required."
14

15 This conduct, when viewed in context, may also constitute misconduct by an opposing party
16 warranting relief under Federal Rule of Civil Procedure 60(b)(3).
17

18 **IX. PROCEDURAL INVERSION AND ADVERSARIAL DISTORTION**

19 The Court's practices appear to have materially inverted the adversarial process. Where
20 Plaintiff acts timely, the Court delays; where Defendants deflect or evade, the Court ignores and
21 proceeds. This pervasive procedural inversion has ceased to be a theoretical concern; it is now
22 empirically manifest and irrefutable within the docketed record, compelling the immediate,
23 unequivocal exercise of the Court's inherent corrective authority. Such egregious, uncorrected
24 procedural drift fundamentally compromises the bedrock principle of litigant parity, thereby
25 mandating decisive judicial intervention to preserve the very integrity of the adversarial process, lest
26
27
28

1 these proceedings devolve into a mere exercise in deliberate procedural manipulation, thereby
2 supplanting the pursuit of justice on the merits.
3

4 Consider the following example of the pattern: where Plaintiff acts with demonstrable
5 timeliness and the Court delays. His "Third Notice of Constructive Denial" (Dkt. 342) was filed on
6 June 30, 2025, documenting multiple unresolved motions, including critical FRE 201 judicial notice
7 requests and Dkt. 286. Notably, this filing was not docketed until July 3, 2025, *after* Plaintiff had
8 already filed a reply (dated July 2, 2025) explicitly noting its undocketed status. This is not mere
9 administrative lag; it is a pattern of omission that creates a visible chasm between Plaintiff's diligent
10 efforts to preserve the record and the Court's responsiveness.
11

12 Conversely, where Defendants deflect or evade, the Court appears to proceed or, alternatively,
13 allows their actions to stand unchallenged. The State Bar Defendants, a party dismissed with
14 prejudice, actively oppose Plaintiff's motions (Dkt. 341) while simultaneously asserting that
15 "judgment has not yet been entered". Plaintiff has formally objected to this "improper re-
16 engagement" and "procedural overreach", arguing it "risks altering the adversarial posture and
17 procedural clarity of this litigation". Yet, this contradiction, which Plaintiff has repeatedly
18 highlighted as "strategically inconsistent and self-serving", has been allowed to persist without direct
19 judicial intervention.
20
21

22 This inversion of expectations is not a subtle undercurrent; it is a direct assault on litigant
23 parity. The very essence of the adversarial system relies on the assumption that both sides' filings and
24 arguments will receive equivalent attention and timely resolution. When one party's proactive efforts
25 are met with delay, while the other's procedurally dubious actions are permitted to influence the
26 docket, the fundamental balance is shattered. This creates an environment where the perceived
27
28

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 fairness of the proceedings is irrevocably compromised, fostering a sense that the scales of justice are
2 being tilted by administrative inertia or selective engagement.
3

4 It is precisely to correct such procedural drift that fundamental principles of due process and
5 judicial integrity exist. This Court's inherent authority to manage its proceedings is a vital safeguard
6 against the very distortions of litigant parity now manifest in this case. When the procedural
7 mechanism itself becomes a tool that consistently disadvantages one party by delaying their efforts to
8 bring critical issues to light, while implicitly accommodating the other, the integrity of the adversarial
9 process is fundamentally compromised. This Court is empowered to self-correct, to acknowledge the
10 documented inconsistencies, and to restore the integrity of its proceedings before they devolve into a
11 system where procedural manipulation, rather than the merits of the case, dictates outcomes. The
12 record, in its current state, unequivocally demands this corrective action.
13
14

15 **X. PLAINTIFF'S APPELLATE RIGHTS ARE BEING FRUSTRATED BY**
16 **DELAY**

17 The Court's sustained refusal to resolve dispositive motions in the context to a complete
18 record deprives Plaintiff of a clean and reviewable record. If a Rule 12 or Rule 54(b) judgment is
19 entered without resolving pending motions, appellate review will be compromised. Immediate
20 judicial action is necessary to preserve Plaintiff's appellate rights under 28 U.S.C. § 1291 and 28
21 U.S.C. § 1292(b), and to prevent the appearance of engineered ambiguity that could preclude
22 meaningful review of his claims on appeal.
23
24

25 **XI. PURPOSE OF THIS PRESERVATION NOTICE**

26 Plaintiff respectfully submits this notice as a non-disruptive mechanism for preserving
27 concerns about judicial conduct, delay, and procedural irregularity that may otherwise evade formal
28

1 review. Plaintiff invokes this mechanism not to provoke, but to precisely record the state of the
2 proceedings.
3

4 Plaintiff has not accused any specific individual of misconduct. However, the continued
5 failure to adjudicate FRE 201 motions or timely or orderly docket while issuing dispositive rulings is
6 now part of the record. In light of relevant principles under *Caperton v. A.T. Massey Coal Co.*, 556
7 U.S. 868 (2009), and 28 U.S.C. § 455(a), further silence could affect the appearance of fairness and
8 due process.
9

10 Additionally, Plaintiff notes that Judge Cynthia Valenzuela previously recused herself from
11 this matter without explanation. That recusal, while not in itself determinative, adds contextual
12 weight to the need for transparency and consistency in the adjudication of unresolved procedural
13 motions.
14

15 For the avoidance of doubt, Plaintiff continues to preserve all appellate rights under Fed. R.
16 Civ. P. 59(e) and Fed. R. Civ. P. 60(b), and submits this notice solely to support an administratively
17 complete and procedurally transparent record.
18

19 **XII. REQUEST FOR ADMINISTRATIVE ACKNOWLEDGMENT**

20 Plaintiff respectfully requests:

21 A. That the Court clarify the status of FRE 201 motions (Dkts. 197, 199, 241, 276, 279, 280,
22 298, 301, 326, 329);
23

24 B. That Plaintiff's filings be processed on equal footing with represented parties;

25 C. That any response or administrative update, if available, be issued no later than August 12,
26 2025.
27

28 This Notice shall be retained for record-preservation purposes and may be appended as a
reference in subsequent filings.

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 **XIII. CONCLUSION**

2 In In every courtroom, the integrity of judgment depends not only on what is decided, but on
3
4 how it is reached. When timely motions are deferred without explanation, when filings substantiated
5 by evidence are left unaddressed, and when one party's conduct is subject to heightened scrutiny
6 while the other's procedural missteps are excused, the judicial process risks appearing less like a
7 forum of impartial law and more like an instrument of administrative outcome. When lawful and
8 repeated procedural requests are met with silence while adversaries are permitted uninterrupted
9 advantage, the resulting imbalance is no longer inadvertent, it is systemic.

10
11 This Court retains the authority and responsibility to correct course. It may yet clarify the
12 procedural posture, acknowledge the unresolved filings that shape the litigation landscape, and
13 reassert the neutral role of the judiciary in a case that has tested the limits of adversarial equity. A
14 timely and transparent clarification of the status of each pending filing and request is not merely
15 procedural housekeeping; it is the procedural integrity to which this forum is sworn.

16
17 This Notice does not accuse; it documents. This Notice is not rhetorical. It is evidentiary. It
18 does not presume intent, but it cannot ignore pattern. It preserves these irregularities so that the
19 record may ultimately reflect not just what was ruled, but what was resisted, what was delayed, and
20 what was never reached. If the Court intends for the rule of law, and not procedural asymmetry, to
21 govern this matter, that intent will be made visible through action, not silence.

22
23
24 Respectfully submitted,

25
26
27
28 Dated: August 4, 2025

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

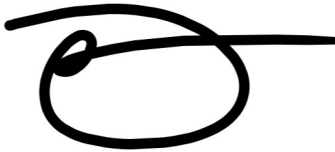


Todd R. G. Hill
Plaintiff, In Propria Persona

STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 5,458 words, which complies with the 7,000-word limit of L.R. 11-6.1.

Respectfully submitted,



August 4, 2025
Todd R.G. Hill
Plaintiff, in Propria Persona

Plaintiff's Proof of Service

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM

1 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
2 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
3

4
5
6
7 Respectfully submitted,

8 
9
10

11 August 4, 2025
12 Todd R.G. Hill
13 Plaintiff, in Propria Persona
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**PLAINTIFF'S NOTICE OF PRESERVATION REGARDING PROCEDURAL IRREGULARITIES AND
PREDETERMINED ADMINISTRATIVE NARRATIVE**

CASE 2:23-CV-01298-JLS-BFM